

WAIVER OF CLAIMS RESULTING FROM COLLISIONS BETWEEN VESSELS OF WAR

*Exchange of notes at Washington September 3 and November 11,
1943, interpreting article I of agreement of May 25 and 26, 1943
Entered into force November 11, 1943
Terminated by agreement of September 28 and November 13 and 15,
1946*¹

57 Stat. 1301; Executive Agreement Series 366

The Secretary of State to the Canadian Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
September 3, 1943

SIR:

I refer to my note dated May 25, 1943 to the Minister and to the Minister's note dated May 26, 1943,² effecting an agreement between the United States and Canada for the waiver of claims arising as a result of collisions between United States warships and ships of the Royal Canadian Navy.

I have received from the Secretary of War a letter in which inquiry is made whether "ships of the United States and Royal Canadian Armies, such as Army transports" are within the agreement.

I should appreciate receiving an indication of the attitude of the Canadian Government in respect of this matter.

Article I of the agreement effected by my note of May 25, 1943 and the Minister's reply note of May 26, 1943 reads as follows:

"The Government of the United States of America and the Government of Canada agree that when a vessel of war of either Government shall collide with a vessel of war of the other Government, resulting in damage to either or both of such vessels, each Government shall bear all the expenses which arise directly or indirectly from the damage to its own vessel, and neither

¹ TIAS 1582, *post*, p. 422.

² EAS 330, *ante*, p. 322.

Government shall make any claim against the other Government on account of such damage or expenses."

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

The Honorable

L. B. PEARSON, O.B.E.,

Minister Counselor,

Chargé d'Affaires ad interim of Canada.

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

WASHINGTON

November 11, 1943

No. 589

SIR,

I have the honour to refer to your note of September 3, 1943, regarding the agreement between Canada and the United States for the waiver of claims arising as a result of collisions between Canadian and United States vessels of war.

You stated in your note that the Secretary of War has enquired whether "ships of the United States and Royal Canadian Armies, such as Army transports" are within the agreement. This question has been carefully considered by the appropriate authorities of the Canadian Government, who are of the opinion that such ships are not within the agreement.

In connection with this opinion, reference is made to the opening sentence of your note of May 25, 1943, in which it was stated that the purpose of the proposed agreement was to provide for the question of damages "arising from collisions between United States warships and ships of the Royal Canadian Navy".

Accept, Sir, the renewed assurances of my highest consideration.

M. M. MAHONEY

For the Minister

The Honourable CORDELL HULL,

Secretary of State of the United States,

Washington, D.C.